

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10<sup>th</sup> DAY OF FEBRUARY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Michael Morris	-Parks & Recreation Director
	Vickie L. Swinney	-Secretary
ABSENT:	Mary W. Biggs	-Supervisor

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC ADDRESS**

Jim Fraser addressed the Board with concerns about the proposed control program for the black vulture population at the Radford Arsenal. Dr. Fraser made the following points:

1. The planned population reduction will not reduce vulture damage in Montgomery County, thus county funds will be wasted.
2. If you commit to maintaining a reduced population, you will be buying into a long term practice of regular killing.
3. This project violates accepted standards of wildlife damage management.

4. This program will bring negative publicity to Montgomery County.
5. There may be ways of approaching this problem that actually will work.

Dr. Fraser believes the killing of over 300 vultures will be a mistake and hopes the Board of Supervisors will rescind the funding for this project, and engage in an effort to find a less draconian- science based solution to the problem.

Chad Fox, USDA Wildlife Biologist, described the livestock damage from vultures in Montgomery County and described the proposed plan to reduce the Radford Arsenal population. There is an estimated 1,000 vultures at roost at the Radford Arsenal and must be reduced to prevent livestock damage.

Jerry Via, President of the New River Valley Bird Club, expressed concerns with the proposed plan to exterminate the black vultures. He encouraged the Board to examine other methods of Black Vulture control before making decisions to reduce the population. Mr. Via believes such a control program would be a step backwards as it would reinforce the mind set of many people that all vultures are bad.

Suzie Leslie expressed concerns with the proposed plan to reduce the vulture population. Ms. Leslie was alarmed to read the newspaper articles about the proposed plan. She urged the Board to seek other alternatives and options.

Jim McDonald addressed the Board about the damage to livestock by vultures. Mr. McDonald operates McDonald's farm, and each year they have livestock damage due to the vultures. They have moved the birthing operation of lambs and calves from outside to the inside due to the vultures. He asked the Board to help the farmers in Montgomery County control vulture damage.

J.L. Wall expressed concerns about livestock damage by vultures. Mr. Wall reiterated Mr. McDonald's comments. He stated kill permits are not satisfactory and the farmers need relief. Mr. Wall said he would appreciate the Board's help in this matter.

Curtis Adkisson expressed concerns with the proposed control plan for the black vultures. Mr. Adkisson agreed that the farmers needed to protect their livestock, but the County should not go about controlling the vultures in mass, random, elimination. Instead, concentration should be on vultures causing the damage.

Jonathan Cohen spoke in opposition to using taxpayers money to fund the proposed control plan for vultures. He is not opposed to some type of control, but is opposed to trapping and killing the vultures.

There being no further speakers, the public address session was closed.

## **CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Consent Agenda dated February 20, 2003 was approved.

The vote on the foregoing motion was follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

**Approval of Minutes - November 26, 2002, December 16, 2002, January 13, 2003 and January 27, 2003**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Minutes dated November 26, 2002, December 16, 2002, January 13, 2003 and January 27, 2003 were approved.

**Schedule Public Hearing - Proposed Conveyance of Right-of-Way Easement to American Electric Power - Shelor Lane**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, schedules a public hearing for Monday, March 10, 2003 at 7:15 p.m. in the Board of Supervisors Meeting Room in the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving citizens' comments on the following:

**Conveyance of Right-of-Way Easement to American Electric Power**

**-Proposed conveyance of right-of-way easement to American Electric Power** in order to provide better electrical service reliability in the Shelor Lane area. The property is located in the Mt. Tabor Magisterial District.

**Mary W. Biggs- VACo Education Steering Committee**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Mary W. Biggs has been invited to serve as vice-chair on the Virginia

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Association of Counties (VACo) Education Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Biggs for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, The Board of Supervisors endorses Supervisor Biggs' participation as the vice chair of the Education Steering Committee.

**Annette S. Perkins- VACo Conference Planning Committee and Transportation Committee**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor Annette S. Perkins has been invited to serve on the Virginia Association of Counties (VACo) Conference Planning Committee and as on the Transportation Committee.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Perkins for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, The Board of Supervisors endorses Supervisor Perkins' participation on the Conference Planning Committee and the Transportation Committee.

**C.P. Shorter - VACo Environment and Agriculture Steering Committee**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, Supervisor C.P. Shorter has been invited to serve on the Virginia Association of Counties (VACo) Environment and Agriculture Steering Committee.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes the County Administrator to reimburse Supervisor Shorter for expenses arising from attendance at committee meetings.

BE IT FURTHER RESOLVED, The Board of Supervisors endorses Supervisor Shorter's participation on the Environment and Agriculture Steering Committee.

**OLD BUSINESS**

**Special Use Permit - Carilion Health Corporation (Agent: Draper Aden Associates)**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Carilion Health Corporation (Agent: Draper Aden Associates) request for a Special Use Permit, with possible conditions, in Planned Unit Development- Commercial (PUD-COM) to amend the Concept Development Plan is hereby approved subject to the following conditions:

1. Property shall be developed in substantial conformance with the master plan prepared by Draper Aden Associates dated December 12, 2002, last revised January 16, 2003.
2. Carilion shall pay at least one-half (1/2) of the cost, in conjunction with other private developers, to install a VDOT proposed traffic light and necessary intersection improvements at the Barn Road (State Route 627) and Tyler Avenue (State Route 600) intersection. The remaining one-half (1/2) of funds is expected to come from the state revenue sharing program. These improvements shall be completed prior to occupancy of the proposed buildings shown on the above conceptual master plan. The total cost of these improvements is estimated by VDOT to be \$175,000.
3. The additions to Pod A, B, C, and D as shown on the master plan prepared by Draper Aden Associates as 10,000 square feet ( 5,000 square feet on the first floor and 5,000 square feet on the second floor) shall be used for private patient rooms and ancillary hospital support areas for those rooms.

In addition, the following conditions approved as part of the Special Use Permit dated October 14, 2002 remain in effect:

4. Warehouse buildings 12 and 13, as shown on the above master plan, shall be served by public water and sewer.
5. Greenhouse building 14, as shown on the above master plan, shall be served by public water.
6. Signage shall be limited to 300 square feet in total area. No general advertising (billboards) signs shall be permitted. A comprehensive signage plan indicating all existing and proposed signs shall be submitted for approval by the Zoning Administrator prior to issuance of building permits. Height of free standing signs shall not exceed fifteen (15) feet above existing grade.

The property is located at 2900 Lamb Circle and is identified as Tax Parcel No. 104-A-26 (Acct ID #009207) in the Riner Magisterial District. The property currently lies in an area designated as Planned Commercial in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
James D. Politis		
Larry N. Rush		

Supervisor Politis stated for the record that he is strongly opposed to Condition # 2 in the Special Use Permit. He believes that the intersection improvements at the Barn Road (State Route 627) and Tyler Avenue (State Route 600) intersection should be funded entirely by Carilion and the developers. Even though the County is not contributing any money toward these improvements, one-half (1/2) of funds is expected to come from the state revenue sharing program, which still is taxpayers money. Supervisor Politis stated he is not against Carilion expanding to meet the needs of the citizens.

## **NEW BUSINESS**

### **Appointment - Metropolitan Planning Organization Policy Board**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **C.P. Shorter** to the Policy Board of the Metropolitan Planning Organization effective February 11, 2003 and expiring December 31, 2003.

BE IT FURTHER RESOLVED, That **Larry N. Rush** is appointed as alternate effective February 11, 2003 and expiring December 31, 2003.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		
John A. Muffo		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

## **COUNTY ATTORNEY'S REPORT**

County Manager Form of Government The County Attorney outlined the process of converting to a manager form of government. The majority of the Board felt this issue was too complex to discuss at this time. Supervisor Shorter stated he would still like to review the process at a later date. Supervisor Politis suggested this issue be added to next Board Retreat agenda.

## **COUNTY ADMINISTRATOR'S REPORT**

Virginia Department of Game and Inland Fisheries The County Administrator received a letter from the Virginia Department of Game and Inland Fisheries requesting Montgomery County's input on their upcoming review on the current hunting and trapping regulations. The Virginia Department of Game and Inland Fisheries will consider proposed changes to the hunting and trapping regulations on March 6, 2003 in Richmond. The Board of Supervisors indicated they are still interested in increasing the hunting season in Montgomery County in order to control the deer population.

### **Extension of Deer Season in Montgomery County**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby reaffirms their resolution adopted June 10, 2002 requesting the Virginia Department of Game and Inland Fisheries to consider increasing the general firearms season in Montgomery County from two weeks to four weeks for hunting deer of either sex.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Virginia Department of Game and Inland Fisheries.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

### **County Administrator's Report Continued**

**Comprehensive Plan - Update** The Planning Director updated the Board on the Comprehensive Plan Revision. A list of facilitator groups was forwarded to the Board who are helping the Planning Commission inform the citizens about the revision to the Comprehensive Plan and get citizens input. All the groups have been working hard to submit their recommendations for revisions of the comprehensive plan. A total of 200 surveys have been received to date, and at least 1,000 surveys are expected to be completed.

**Parks & Recreation Draft Master Plan** The Parks and Recreation Director presented the Parks and Recreation Draft Master Plan. The Draft Master Plan is a recommendation for future recreational needs in Montgomery County to the year 2020. The Parks & Recreation Director described recreation projects recommended for the different areas in Montgomery County, and potential funding sources.

## **BOARD MEMBERS' REPORTS**

**Supervisor Shorter Fire & Rescue Task Force** Supervisor Shorter reported the Fire and Rescue Task Force has been formed for one year and he believes that the creation of this task force has been beneficial. He believes there is better communication between all the fire and rescue departments and a better working relationship. At the last meeting, budget issues and insurance were discussed.

**Reassessment** Supervisor Shorter requested a news article and a radio news release be prepared on the reassessment process. He believes more citizens need to learn about the reassessment process.

**Black Vultures** Supervisor Shorter stated the livestock damage due to black vultures is a major problem. Farmers in Montgomery County have lost a tremendous amount of revenue due to these vultures. Most farmers are part-time and cannot afford to man their livestock at all hours. Supervisor Shorter does not agree with the speakers tonight about the vulture population not being reduced with the control measures proposed. If you reduce the number of vultures then the amount of livestock damage should be reduced. Supervisor Shorter stated that Montgomery County does have an ordinance regarding the procedures for disposal of dead livestock which require they be buried or burned, though he does not know how well this is enforced. He believes the Board made the right decision in funding the proposed control measures for the vultures.

**Supervisor Muffo Montgomery County Chamber of Commerce** is holding their Annual Awards Banquet on Thursday, February 27, 2003 at Owens Hall in Blacksburg. This is the first banquet as a merged chamber. He suggested that Board members who are able should attend to show their support.

**Supervisor Creed Riffe Street** Supervisor Creed expressed concern with the recommendation made by the Parks and Recreation Commission on development of the ballfields at Shawsville Middle School across from Riffe Street. If additional ballfields are to be built, then additional traffic is to be expected, which will increase the dust and problems along Riffe Street if the road is not paved.

**Supervisor Politis USDA Meat Inspection Program** Supervisor Politis thanked the Board for their support in requesting state funding to be reinstated for the meat inspection program. Both the House and the Senate have included this back in the state budget.

**Interstate 81 Signs - Riner** Supervisor Politis requested that VDOT be contacted to see if it is possible to



install signs on Interstate 81 to direct motorists where Riner is located.

Supervisor Rush Refurbished Car Program Supervisor Rush received a letter from the Sheriff with concerns with the refurbished car program. The Sheriff believes that these vehicles are not satisfactory and are not safe for patrol use. Supervisor Rush requested that this program be re-evaluated during the budget process. Supervisor Shorter believes this program is worth doing and stated that the refurbished vehicles can be for civil use instead of as patrol vehicles.

### **INTO CLOSED MEETING**

On a motion by John A. Muffo, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
    - 1. Adjustment and Appeals Board
    - 2. Office on Youth Advisory Board
    - 3. Parks and Recreation Commission
    - 4. New River/Mount Rogers Workforce Investment Board
    - 5. Pepper's Ferry Regional Wastewater Treatment Authority
  - (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
    - 1. Prospective Business
  - (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

## 1. Contractual Matter

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		
John A. Muffo		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

### **OUT OF CLOSED MEETING**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
Annette S. Perkins		
John A. Muffo		
James D. Politis		
C.P. Shorter		
Larry N. Rush		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

C.P. Shorter  
Gary D. Creed  
Annette S. Perkins  
John A. Muffo  
James D. Politis  
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs

ABSENT DURING MEETING

Mary W. Biggs

APPOINTMENTS

Adjustment and Appeals Board

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Rick Parrish** to the Adjustment and Appeals Board effective February 11, 2003 and expiring February 10, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		

John A. Muffo  
Larry N. Rush

### **Office on Youth Advisory Board**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Joyce M. Hodge** to the Office on Youth Advisory Board effective February 11, 2003 and expiring October 22, 2004.

Said appointment fills the unexpired term of Kay Luttrell, resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **Parks and Recreation Commission**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Wynne Parker** as an at-large representative to the Parks and Recreation Commission effective February 11, 2003 and expiring February 10, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		

Annette S. Perkins  
John A. Muffo  
Larry N. Rush

### **Parks and Recreation Commission**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Susan G. DiSalvo** as District A representative to the Parks and Recreation Commission effective February 11, 2003 and expiring February 10, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **New River/Mount Rogers Workforce Investment Board**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia recommends that **O. Wayland Overstreet** be appointed to the New River/Mount Rogers Workforce Investment Board as the at-large business representative for Montgomery County effective April 1, 2003 and expiring March 31, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **Pepper's Ferry Regional Wastewater Treatment Authority**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **George A. Gray** to the Pepper's Ferry Regional Wastewater Treatment Authority effective February 11, 2003 and expiring December 31, 2003.

BE IT FURTHER RESOLVED, The Board of Supervisors reappoints **Jeffrey D. Johnson** as alternate to the Pepper's Ferry Regional Wastewater Treatment Authority effective February 11, 2003 and expiring December 31, 2003.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

## **OTHER BUSINESS**

### **Appropriation - Board of Supervisors**

On a motion by Jim Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

100	Board of Supervisors	\$50,000
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The sources of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

451203	Fund Balance	\$50,000
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Said resolution appropriates funds to the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

### **ADJOURNMENT**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, February 24, 2003 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
James D. Politis		
Larry N. Rush		

The meeting adjourned at 10:10 p.m.